

**Town Board Meeting**  
**February 13, 2018, 7:00 pm**  
**Regular Meeting**  
**Minutes**

**1. Call to Order** by Manigold at 7 p.m.

**2. Pledge**

**3. Roll Call Present: Manigold, Westphal, Bickle, Achorn, Wunsch, Sanders, Wahl.**  
**Also present: Gordon Hayward, Assistant to the Planning and Zoning Director and Jennifer Hodges of GFA**

**4. Brief Citizen Comments-for items not on the agenda** -None

**5. Approve Amended Agenda**

**Manigold:** We have one item that we are going to remove: Item B. under Business (Approval Resolution to Waive the Penalty for Failure to File Property Transfer Affidavits). We will have a revised document presented at our next meeting. Do we want to talk about the Fire uniforms and take that off of the consent agenda as well?

**Bickle:** It is appropriate to pull it off of the Consent Agenda.

**Manigold:** Do you just want to take it off until Fred is here?

**Bickle:** My suggestion is that the Trustees need more information. Fred is at Educational classes this week, so we should move it to the next Town Board meeting. It is not a critical, time-sensitive issue.

**Manigold:** Okay, we will remove that from the Consent calendar. Any other changes or additions to this evening's agenda?

**Wunsch:** I just have one question on item D. of the Consent Agenda [editor's note: Item D-- List of Invoices.]

**Manigold:** We can bring that up when we get to the Consent calendar. I would entertain a motion to approve the Agenda as amended.

Moved by Sanders to approve the agenda as amended support by Wunsch.

**Passed Unam**

**6. Conflict of Interest** None

**7. Consent Agenda:** Any member of the Board, staff, or public may ask that any item on the Consent Agenda be removed and placed elsewhere on the agenda for full discussion.

**A.** Meeting Minutes Approval – Town Board Regular Meeting, December 12, 2017, 7pm; Town Board Regular Meeting January 23, 2018, 7pm; Town Board/Planning Commission Special Meeting of January 23, 2018, 1pm.

**Westphal:** Mr. Supervisor, approval for the December 12, 2017 minutes were postponed at

the last Township meeting per Trustee Achorn in order to have sufficient time to review the minutes; we also need to re-visit that and place it back on to the agenda.

**Manigold:** Okay.

**Westphal:** Assuming that Marge has had a chance to read it.

**Achorn:** No, I was busy reviewing the transcript and our deliberations. I did not compare the transcript to our minutes.

**Westphal:** So it is not ready to be approved yet?

**Achorn:** It is not ready.

**Manigold:** Okay. Manigold continues on with reading items on the Consent Agenda.

B. Reports and announcements (as provided in packet)

1. Officers

2. Staff

C. Correspondence

D. Edit list of Invoices (recommend approval)

E. Approve additional part time hires at the Fire Department

F. Approve Fire Department uniform request

G. Approve declaring I-Pad tablets as surplus

H. Approve annual donation of \$250.00 to the Boom-Boom Club (Donation for fireworks for the festival).

**Westphal:** Mr. Supervisor, again under Correspondence I would just like to draw your attention to the Town Board and also the audience that there is a letter in our correspondence from Jennifer Hodges outlining nearly two months of delays in the declaration of responsibility for the community sewer system by the Mari Vineyards.

**Manigold:** Okay. Would anyone on the Board like anything else removed?

**Wahl:** Don't we have to remove Item A. if we are still not ready to consent to approval?

**Manigold:** I'm sorry, which item?

**Wahl:** Item A. The meeting minutes.

**Manigold:** Those are in here for approval.

**Wahl:** Correct. But Trustee Achorn has not read them yet; shouldn't they be removed?

**Manigold:** She had an additional agenda that she wanted to review. (Some short discussion explaining the discussion that just took place, with the item eventually being removed until Trustee Achorn could review the December 12, 2017, 7pm minutes for accuracy).

**Sanders:** Are we on to the list of invoices?

**Wunsch:** Consent Agenda Item D. When we held our junk and short term rental ordinance review, one of our community members asked what the B&B violation was that was billed and a part of the list of invoices from our Attorney.

**Bickle:** I can answer that. It was actually brought to the attention of the Clerk and Treasurer's office. It should read "Air B&B". It involved a resident over on Bluff Rd. We do have a corrected invoice list that was distributed tonight.

**Achorn:** Mr. Treasurer, would you like to respond to the Safe Boat item on the list of invoices?

**Bickle:** One of the items that you will see in the invoice list is for the safe boat. What I did is insert myself into the bill paying process. The bill does need to be paid, but what I am going to pursue is to talk to the manufactures of Safe Boat. This is an item that they installed. Westerbeak who makes the generator has stated that their unit is not the issue unless it was installed in a way that caused it to leak. So simply, Safe Boat is due their bill, but I am going to dialog very heavily with Safe Boat to see what part of that, up to 50% ,they are going to pay.

**Manigold:** Any more questions on the Consent Agenda?

**Westphal:** I do have one more question on the consent agenda in item A of the meeting minutes approval. Under the Town Board Regular meeting of January 23, 2018, of which we have the minutes, on page 13, about 2/3 of the way down the page, you, Mr. Manigold, asked Mr. Meihn when we were going to get the Final Findings of Fact and Conditions from the December 12, 2017 public hearing and Town Board Meeting. What we were told on January 23, from Mr. Meihn was that he would have this information to the Town Board the next morning with corrections, and that each of us was to send an email confirming that we had seen the corrections. This was supposed to be our final document, and he wanted the Board to be comfortable with the final document. I do not ever recall getting that email. Did anybody else get that?

**Manigold:** I did.

**Sanders:** From the Attorney? I can't recall that I received that.

**Achorn:** We went back and forth with minor items but we never got anything finalizing that document.

**Manigold:** I am calling him first thing in the morning.

**Westphal:** I also talked to the Recording Secretary [Editor's note: Christina Deeren], and she confirmed that she recalled that we were all going to send to her any final corrections.

**Manigold:** We went over any final corrections and approved it at the meeting and asked that he send it back to make sure that all the changes were made.

**Westphal:** He was to email it out to us and then we were supposed to read it and send back a confirmation. That was in fact what we had agreed upon.

**Manigold:** Okay. I will check into that.

**Bickle:** I believe that you sent something out which was a part of the discussion at a Town Board meeting where I spoke up about certain points that were called out in a previous memo. So I think what we will do is revisit what you received, see what the distribution was, and if it satisfies Clerk Westphal's statement.

**Manigold:** Okay back to the Consent Agenda. Any other concerns? I would entertain a motion for approval as amended.

Motion moved by Wunsch, seconded by **Bickle**,

**Passed Unam**

**Business:**

**A. Approve Park Master Plan (Brian VanDenBrand)**

**Manigold;** Our Planner has been out for a day and a half sick, so basically we presented the plan at the last meeting. There were a number of typos and people thought some things should be added along with the appendices mentioned in the text, but not provided in the document. I believe that this has been vetted through the Township staff and different people now. Are we ready to approve?

**Achorn;** First of all, I would like to thank several members of the staff; Christina, Gordon, Marilyn and Susan Phiel for their work in trying to input suggested changes, corrections, and modifications. They had a lot of trouble with the software, and they were battling a tight deadline. We looked at the final product. I shouldn't say final product the final printing is in our packet. There are still a couple of typos and some new pages are printed on the back which will have to be watched carefully in the final print. Minor, minor changes.

**Manigold:** Anybody else? I would then entertain a motion with the typos corrected.

Moved by Achorn to accept with the minor typo correctional changes made; supported by Sanders.

**Manigold;** Any further discussion?

**Westphal;** I would just like to say in reading the new version that Trustee Achorn and the staff put together, it really is an improvement over the last version. I did find a few corrections that I think would make the document stronger, and I would be more than happy to pass those along. Good job.

**Manigold:** Okay. Roll call.

**Westphal:** Isaiah, yes. Warren, yes. Maura, yes. Brad, yes. Rob, yes. Myself, yes and Marge, yes.

**Passed Unam**

## **B. Approve Vineyard Ridge Sewer and Water Plans**

**Manigold:** Jennifer Hodges our Township Engineer is here to discuss this business item.

**Hodges:** Good evening, everyone. I believe that in the back of your board packets, you are in receipt of a letter that I had submitted to Brian VanDenBrand to be included in the packet which is dated February 5, 2018. This was the third round of reviews back and forth with the applicant with respect to water and sewer. They have satisfied all of the concerns and comments and provided the proper clarifications. They have also provided today, the complete copy of the drawings updated with the correct dates, including specifications, that I will provide to staff for their files. We now have a complete packet. Per the letter, everything was addressed to my satisfaction, and it is my recommendation to the Board to approve the municipal water and sewer plans as proposed.

**Manigold:** Any questions of Jennifer?

**Bickle:** There was a dialog between Trustee Achorn and myself on the way over, and the Township has not received the \$24,000.00 escrow payment that should have been received for this project. I don't anticipate that you would know what the status is of that. We thought that by now after the initial round a few weeks ago, that check would have come into the Township. So if you don't know that is okay. Cause we will probably do it as a condition upon receipt of funds which is a dialog or suggestion of mine for the rest of the Board. Gordon, you look like you have something that you want to say.

**Hayward:** I would point out in reviewing the check list for approving the project per issuance, I made a note that under Michigan Zoning Laws the local unit of government may not require deposit of performance guarantee's until it is required to issue the permit. So I would not expect that \$24,000.00 to actually come in until we have gone through all of the items and are ready to issue the permit. Then we can request it. Any questions, I am sure Greg Meihn could clarify.

**Manigold:** I thought that we had already sent the bill to Brian (VanDenBrand).

**Achorn:** I don't think that this is a performance guarantee, I think that this is payment escrow for Gordy Fraser time involved for overseeing this project. It is not a performance guarantee.

**Hodges:** Correct. The Board approved a couple of months ago the contract and the escrow letter. It was my understanding that Brian (VanDenBrand) was going to follow-up and provide them the escrow letter that identified the scope of what that \$24,000.00 would entail.

**Manigold:** In our meeting, I thought that they had agreed to that already.

**Hodges:** They verbally did, yes.

**Manigold:** So I think that Mr. Bickle was saying we would do an approval contingent on that fund being deposited.

**Hodges:** Correct. That would seem practical. I will follow-up with Brian (VanDenBrand) in an email tomorrow to make sure that he has everything he needs to follow-up with the developer to obtain that escrow.

**Manigold:** Any other questions? I would entertain a motion to that effect then.

Motion by **Bickle** to approve Vineyard Ridge Sewer and Water Plans, contingent upon Condition 4A of Vineyard Ridge Special Use Permit and based upon the Township Engineer recommendation, the Township accepts the final design and engineering plans dated February 2, 2018, with a water supply and sanitary system for Vineyard Ridge, conditioned upon receipt of the escrow funds of \$24,000.00. Supported by **Wunsch**.

**Maingold:** We have a motion by Bickle, second by Wunsh any further discussion? Roll Call.

**Westphal:** Warren, yes. Maura, yes. Brad, yes. Rob, yes. Myself, yes. Marge, yes and Isaiah, yes.

**Passed Unam**

**Manigold;** I should have told you all up front that you are all being filmed. The video installation has occurred, and you will be able to see this on our website live. Unfortunately a piece of our sound equipment was broken during installation. I have been assured that it will be replaced very quickly. Presently, you are only seeing the video part without sound.

9. **Citizen Comments:** None

10. **Board Comments:**

**Manigold:** Would like to talk to the Board just briefly. It has been a long time coming with the room improvements, but we have checked out all the electrical components in the building. We have gotten the buzz out of the lights and everything is properly grounded. You will notice new doors and the siding have been fixed. Bob Wilkinson got the last two items going while he had some down time. As a Board, we have had some work done at the compact station building; the building down by the Fire station got a new roof and obviously the lighthouse building has been improved. And now we have the Park Plan approved. I have started the investigation with the Land Trust Board on grant proposals, which will be due April 1, 2018. A few of the items that we want to look at with the Park Commission would be the single boat launch at Haserot. Kelly Park is owned by the DNR, and they have funds to put in a kayak launch. We will be looking at flush toilets at the lighthouse, and then whatever we can do at the Bower's Harbor Park we have the [?] plan. The trust fund pays 75% of those costs, so it would

be a match. All of that could end up to a million dollars which is in our enterprise fund from the cable fund or tower fund. I may be coming to you for a match if you are all in agreement about those projects. We have a very good chance at the grants, and we have the money to make the match. This is important, because a lot of the governments down south are strapped. So I just didn't want you to pass out if I came to you and asked for a lot of money really quickly. Anyone else on the Board have any more comments?

**Westphal;** I have one more. I have a correction to something that I said earlier which dealt with correspondence it really dealt with Jennifer Hodges and interaction with the Attorney and Mari Vineyard residences and not Vineyard Ridge. The reason that I think this correspondence is important is that it shows very clearly where time goes as we go back and forth with trying to get some of these requirements met in terms of moving projects forward. Often times, it has nothing to do with the Board at all. It just depends on how busy the construction industry is today, and what all of these land management companies are trying to accomplish with a whole host of different townships. It really clearly shows that two months have passed just on the single request that dealt with a declination responsibility for a community sewer system. On our part, we really do not want to take on the Mari Vineyards residence sewer system. We want them to build their own sewer system, and it has gone back and forth for just two months on just that one issue. I think that Jennifer would have something to say about that and please do. I just thought that it was very interesting that it shows how time flies on a project when oftentimes, one party is ready and not the other. In this case it has been the developer that is not ready. That was my point.

**Sanders:** I just want to echo on moving projects forward especially what you said about the Park Commission. The Park Commission has worked for years now on getting some of these major projects up and running. We have had the chance to get significant grant money, so I hope "us" as well as the rest of the residents of the township back the Park Commission efforts to get park improvements done.

**Manigold:** Okay. Anything else? I would then entertain a motion to adjourn then.

Motion to adjourn by Sanders; second by Bickle.

**Passed unam**

**Adjournment:** 7:33 pm